



complaint with the State Police. The complaint was investigated by Major Charles E. Noyes who sustained the allegation that Kearns did not perform his desk function appropriately.

Trooper Kearns stated that he did not remember talking to the civilian, but Mayor Noyes produced evidence that Trooper Kearns answered the phone when the civilian called and stated: "State Police Concord, Trooper Kearns." This evidence will show that Trooper Kearns was less than truthful in describing his role in receiving the call from the civilian.

Furthermore, on May 20, 2004, Lieutenant Colonel John F. Caulfield (Commanding Officer) informed the civilian that her allegations were "NOT SUSTAINED." This evidence will show that even though Mayor Noyes sustained one of the civilian's complaint, Lieutenant Caulfield informed the civilian that her complaints were not sustained. This evidence demonstrates that untruthfulness existed at the highest levels within the State Police.

**Trooper Bruce Tobin (Exhibit 2)**

Plaintiff will cross-examine Trooper Tobin about an incident on or about November 11, 1994 when he was involved in a fighting incident in Amherst, MA. The fight involved four other state troopers in front of a bar. It was determined that Trooper Tobin violated Article 5.2 of the Rules and Regulations of the Department of State Police.

Plaintiff should be allowed to refer to these incidents. The evidence would be offered for a legitimate purpose: credibility and bias. The evidence is relevant and probative. It would not be hearsay and would not cause unfair prejudice.

WHEREFORE, Plaintiff prays that defendants' motion be denied and Plaintiff be allowed to examine defendants on the questions of credibility, bias and prejudice.

Respectfully submitted,

KEVIN CLAPP

By

A handwritten signature in blue ink, appearing to read 'R. Jonson', written over a horizontal line.

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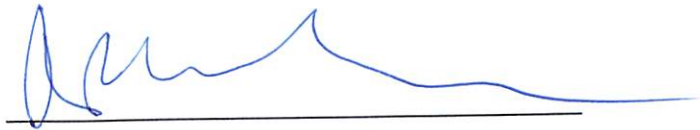
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CERTIFICATE OF SERVICE

I hereby certify that I have served a true copy of the foregoing document upon each attorney of record by the ECF system.

February 9, 2022

A handwritten signature in blue ink, appearing to read 'R. Johnson Jr.', written over a horizontal line.

Robert C Johnson Jr.